

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 22, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:09OD-025

Oahu

Cancellation of Revocable Permit No. S-5424 to Thomas Noa, Sr., and Issuance of Revocable Permit to Ralph Fukushima, Waimanalo, Koolauoko, Oahu, Tax Map Key:(1)4-1-013:011.

APPLICANT:

Ralph Fukushima, a single person, whose mailing address is 91-2230 Old Weaver Road, Ewa, Hawaii, 96796.

LEGAL REFERENCE:

Sections 171-13 and 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waimanalo, situated at Koolauoko, Oahu, identified by Tax Map Key:(1)4-1-013:011, as shown on the attached map labeled Exhibit A.

AREA:

56.35 acres, more or less.

ZONING:

State Land Use District: Agricultural/Conservation
City and County of Honolulu LUO: P-1 Preservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-5424, Thomas Noa. Sr., Permittee, for residential and pasture purposes.

CHARACTER OF USE:

Pasture purposes, "Pasture" means the conduct of livestock operation consisting of keeping cattle, primarily, and others, in a minor role, such as horses and sheep where animals graze the land for feed produced thereon. The operation of commercial activities such as feedlots (excepting a private feedlot designed to feed the State tenants' own cattle), dairy milking parlors, or boarding of horses is not permitted.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$440.00 per month (current rent amount under existing RP-5424)

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Not applicable. Applicant, as an individual, is not required to register with DCCA.

REMARKS:

The subject property is State-owned land consisting of approximately 56.35 acres of hilly topography which is encumbered under Revocable Permit No. S-5424 to Mr. Thomas Noa, Sr. since July 1, 1977 for pasture purposes.

At its meeting of May 8, 1987, under agenda item F-9, the Board amended the "specific use" for Revocable Permit No. S-5424 to Mr. Thomas Noa, Sr. from pasture purposes to pasture/residence purposes.

By way of letter dated February 19, 2009. Mr. Thomas Noa Sr. informed the Land Division that he is requesting that Revocable Permit No. S-5424 be terminated due to his failing health and that a new revocable permit be issued to Ralph Fukushima, who has been

helping him manage and maintain the premises over the years.

Ralph Fukushima currently is the owner/operator of Ralph's Tack Shop and Transportation Services for over 30 years in Hawaii. His operation is centered around the sale of livestock equipment, feed and materials and transporting of livestock throughout the State of Hawaii and the mainland.

Further, he also owns about 100 heads of cattle and 25 horses. He plans to put some of his horses on the subject permit area.

SUMMARY OF COMMENTS:

The applicant's request was referred to the following government agencies for review and comments. DLNR Divisions of Engineering, Division of Historic Preservation, Commission of Water Resource Management, Office of Hawaiian Affairs, the Department of Hawaiian Home Lands, the Office of Conservation and Coastal Lands and the City and County of Honolulu, Department of Facility Maintenance, Department of Planning and Permitting have no objections to the issuance of a revocable permit.

The Department of Agriculture stated that the current use of the subject property was being used for the stabling of horses and not for pasture use. Staff was informed that the subject property is in a General Subzone which allows the pasturing and stabling of horses and cows under the County ordinances and there will be no changes under the existing use of the permit. Staff's prior inspections of the property fail to show any signs of horses being stabled on the premises.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. A month-to-month tenancy is more appropriate than a long-term disposition because the subject property is zoned conservation.

There are no other requests to utilize the subject property from other parties. Staff had discuss with the applicant that under terms and conditions of the revocable permit the authorized use of the subject property would be for pasture purposes only and that no commercial stabling of horses would be allowed.

There are no other pertinent issues or concerns. Staff has no objection to this request.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

2. Authorize the cancellation of Revocable Permit No.S-5424 issued to Thomas Noa Sr., upon issuance of the new revocable permit.
3. Authorize the issuance of a revocable permit to Ralph Fukushima covering the subject area for pasture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 

SUBJECT
PROPERTY
Tmk: CD41-013.011

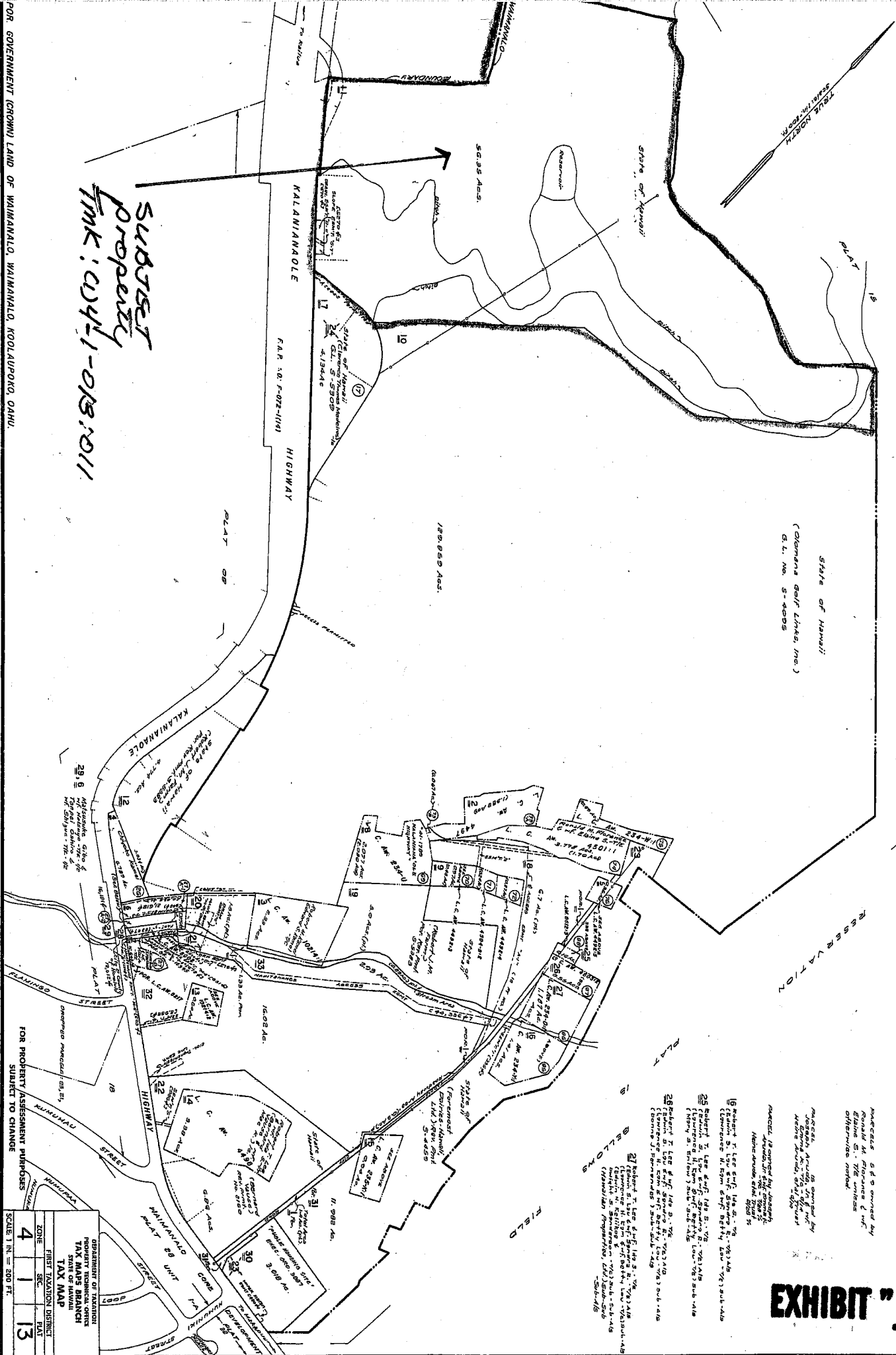


EXHIBIT "A"

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

| ZONE | SEC. | BLK. | LOT |
|------|------|------|-----|
| 4 | 1 | 13 | |

SCALE 1 IN. = 200 FT.